

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORLANDO GARCIA,

Plaintiff,

v.

NASHWAN M. ALI,

Defendant.

Case No. [21-cv-07406-CRB](#)

**ORDER DENYING APPLICATION
FOR ENTRY OF STIPULATED
JUDGMENT**

In September 2021, Plaintiff Orlando Garcia (“Garcia”) brought this action against Nashwan M. Ali (“Ali”) for violations of the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., and the California Unruh Civil Rights Act, Cal. Civ. Code § 51-53. See Compl. (dkt. 1). In November 2021, Garcia filed a notice of settlement, and in December 2021, Garcia voluntarily dismissed the action. See dkt. 8, 10.

On January 11, 2023, Garcia filed an ex parte Application for Entry of Stipulated Judgment, asking the Court to vacate the dismissal in this case and enter a stipulated judgment based on Ali’s default on the parties’ settlement agreement. See dkt. 12. On February 3, 2023, Chief Magistrate Judge Spero issued an Order to Show Cause (“OSC”) why the application should not be denied, detailing several inconsistencies in Garcia’s motion papers and allowing Garcia until February 10 to remediate them. See OSC (dkt. 14). Garcia did not respond to the OSC. On February 13, 2023, Judge Spero issued a Report and Recommendation pursuant to 28 U.S.C. § 636(c), recommending that Garcia’s application be denied. See dkt. 15. Pursuant to 28 U.S.C. § 636(b)(1)(C), Plaintiff was given 14 days to object to Judge Spero’s recommendation. Id. The case was then reassigned to the undersigned. See dkt. 16.

1 Plaintiff has since filed no objections. Because the Court finds that Judge Spero's
2 report and recommendation is well-reasoned, thorough, and correct, the Court adopts it in
3 full. Plaintiff's Application for Entry of Stipulated Judgment is hereby DENIED.

4 **IT IS SO ORDERED.**

5 Dated: March 2, 2023



CHARLES R. BREYER
United States District Judge